

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Atty. Docket: FUJII=9

In re Application of:)	Conf. No.: 4828
)	
Tadashi FUJII et al)	Art Unit: 4122
)	
Appln. No.: 10/591,054)	Examiner: E. S. ROYSTON
)	
I.A. Filed: 02/25/2005)	Washington, D.C.
371(C) dated: 04/05/2007)	
)	
For: PROCESS FOR PRODUCING)	March 12, 2009
MULTILAYERED UNSTRETCHED...)	

REPLY TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Amendment
Randolph Building, 401 Dulany Street
Alexandria, VA 22314

Sir:

The applicants are in receipt of the Office Action mailed February 12, 2009, substantially entirely in the nature of a requirement for a restriction. Applicants reply below.

First, however, applicants respectfully request the PTO to acknowledge receipt of applicants' papers filed under Section 119.

Restriction has been required among what the examiner deems are being three separate inventions which are not so linked as to form a single general inventive concept under PCT Rules 13.1 and 13.2. As applicants must make an election even though the requirement is traversed, applicants hereby respectfully and

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provisionally elect Group 1, presently claims 1-6 directed to a process for forming a multilayered unstretched film, with traverse and without prejudice.

The Office Action states that unity of invention is destroyed by the Scheibling U.S. patent 3,611,492, but applicants believe that the examiner has not taken into account all the features of the claims which unite them into a single general inventive concept under PCT Rules 13.1 and 13.2. In this regard it is respectfully noted that claim 1 is quite detailed, and contains features far beyond what is stated in paragraph 2 of the Office Action. Parallel language is found in claims 7 and 11, whereby applicants respectfully submit that unity of invention exists in accordance with the provisions of PCT Rules 13.1 and 13.2.

Indeed, even if prior art were to be found which would destroy unity of invention as regards the broad claims, unity of invention would still exist with respect to narrower claims.

Accordingly, applicants respectfully request withdrawal of the requirement and examination of all the claims on the merits, or at least all the process claims 1-10 of Groups 1 and 2 on the merits, which process claims basically differ only in scope.

The Office Action indicates that a telephone call was placed to undersigned on December 22, 2008, but undersigned was out of the country the entire week of December 22, 2008, so

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perhaps the examiner spoke to another attorney in the office of undersigned.

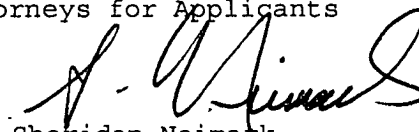
The examiner has raised a possible future issue under the second paragraph of 35 USC 112, in paragraph 5 on page 3 of the Office Action, but has not raised any specific points which applicants can address. Applicants wish to make clear on the record their full cooperation in placing the claims in the best form possible. On the other hand, claims 1-10 are process claims, and they are set forth in process language. Applicants also do not see any grammatical or idiomatic errors, but would appreciate the examiner pointing any such grammatical idiomatic errors in the claims as set forth in the Preliminary Amendment filed April 5, 2007.

Applicants now respectfully await the results of an examination on the merits.

Respectfully submitted,

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